



CITY OF CHARLOTTE

**BUSINESS, SIGN & PERSONAL
PROPERTY RELOCATION**

August 2011

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INTRODUCTION

The purpose of this brochure is to explain the rights and benefits of citizens affected by Charlotte/Mecklenburg public projects. If you are required to move as a result of a public project, you may be eligible for relocation advisory assistance services and payments.

The Charlotte community is continuing to draw more people and businesses, and for the City to remain livable and prosperous, smart growth principles must focus on business retention and expansion, as well as redevelopment of the urban core and transit corridors.

These types of City of Charlotte projects, designed to benefit the public as a whole, can result in the need to acquire private property, and sometimes the displacement of citizens from their homes or businesses. Private property rights are protected by both the State of North Carolina and the United States government. This brochure is written based on the Fifth Amendment of the Constitution, The Uniform Relocation Act, North Carolina General Statutes and the Municipal Code of the City of Charlotte.

If you'd like to learn more about Charlotte's growth strategies, go to the City/County website, www.charmeck.org and click on "Charlotte City Council," then "Focus Area Plans."

GOVERNING LAWS

State, local and federal laws govern the acquisition of private property for public use. This type of acquisition is commonly known as “the power of eminent domain,” or the power of “condemnation,” and is subject to protections from abuse.

On January 2, 1971, Public Law 91-646, the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970," (Uniform Act) was signed into law. The Uniform Act provides important protections and assistance for people affected by Federally funded projects. This law was enacted by Congress to ensure that people whose real property is acquired, or who move as a result of projects receiving Federal funds, will be treated fairly and equitably and will receive assistance in moving from the property they occupy.

The Uniform Act policies and procedures in Chapter 49 of the Code of Federal Regulations Part 24 contains three parts. 1) Title I contains general provisions of the Uniform Act along with definitions. 2) Title II addresses relocation assistance items such as relocation advisory assistance and moving costs. Title II also places requirements on States or agencies utilizing Federal funds in their programs. 3) Title III defines real property acquisition policies.

The State of North Carolina enacted general statutes Chapters 40A (Eminent Domain) and 136 to govern the acquisition of private property for public use. The procedures provided by these chapters enable condemnors (agencies such as the City) to exercise the right of eminent domain. Further, Chapter 7, Article V, Section 7.81 of the Code of Ordinances of the City of Charlotte regulates and defines the eminent domain rights of the City.



In summary, the above referenced laws ensure that owners of real property acquired for public projects are treated fairly and consistently. The laws encourage and expedite acquisition by agreements with such owners, in order to minimize litigation and relieve congestion in the courts, and to promote public confidence in land acquisition programs designed for the benefit of the public as a whole. **This brochure explains relocation procedures.**

RELOCATION ADVISORY SERVICES

Any person, family, business or farm operation that has to move because of a public project shall be offered relocation advisory services. Relocation advisory services will be offered by qualified Relocation Agents representing the City. Often times the Relocation Agent will be the same Real Estate Broker who contacts the owners of a property for acquisition of the real estate.



A Relocation Agent will contact you personally. The agent will interview you to determine your specific situation and your payment eligibilities. Be sure to point out to the Agent all factors of your business that may effect its relocation. The

Agent will explain the services and payments available to you in accordance with your particular circumstances and eligibilities.

Your Relocation Agent can assist you in finding a suitable replacement location, should you have to totally relocate your business or sign. Keep in mind, however, that the Agent does not have the intricate knowledge of your business that you possess, and will not be as adept in picking the most suitable replacement location. Frequently, commercial real estate brokers are called upon as highly qualified assistants in identifying a replacement location. In the case of signs, a professional sign mover is usually called upon to help determine the best location that conforms with codes and visibility concerns. Additionally, a professional sign mover may be able to offer solutions to difficult sign placement problems.

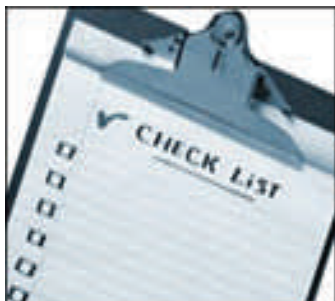
Your Relocation Agent is familiar with the services provided by other public and private agencies in your community. Sometimes there are specific issues for which these agencies will be able to provide solutions. These agencies have professional staff qualified to assist. Be sure you make your needs known to your Agent.

All of your questions concerning your relocation should be directed to your Relocation Agent. The Agents are available to help and advise. Ask questions and be sure you understand fully all of your rights and benefits. **Please do not take any action on your own without first contacting your Relocation Agent. Your payment eligibilities could be jeopardized.**

This brochure constitutes your general information notice for the City's project. It contains the required contents of a general information notice under the Uniform Act.

TIME TO MOVE AND NOTICES

Every effort will be made to provide you with ample time for relocation.



On or after the day the City presents the offer to purchase the real estate, you will be contacted and given a written notice that assures that you will not be required to move before 90 days from the date of the notice. The notice will either give a specific earliest date by which you will have to be moved, or will advise that a 30-day notice providing a specific date will be delivered later.

BUSINESS ELIGIBILITIES

Generally a business that is required to move all or part of its personal property from the real estate being acquired is eligible for relocation assistance and move payments. The actual reasonable costs to move are reimbursable by the City. **Do not make any commitments regarding relocation until you have been advised by your Relocation Agent. Failure to do so may result in a loss of payments and eligibilities.**

Business moves may be done by a commercial mover, a self-move or a combination of the two. A commercial move or self-move will be reimbursed based upon the lower of two estimates prepared by licensed commercial movers. Alternatively, a self-move may be reimbursed when supported by receipted bills for labor and equipment. Personal property inventories must be prepared prior to a move and verified again upon completion of a move to ensure that all items estimated for payment were actually moved. All claims for move costs must be supported by actual receipts and invoices.

Business move eligibilities include:

- Actual reasonable move costs
- Reestablishment expenses
- Searching for a replacement site costs
- In lieu of moving payment (this payment is instead of the three eligibilities above)

Actual reasonable move costs can include but are not limited to the items shown below:

1. Packing, crating, unpacking, and uncrating of the personal property
2. Insurance premiums covering the reasonable replacement value of personal property against loss and damage while in transit
3. Moving of personal property to a replacement site within a 50-mile radius of the present location
4. Consultant fees in planning the move and/or designing your plant layout, if you relocate to an existing structure
5. Utility reinstallation
6. Replacement cost of stationery, if determined necessary by the City of Charlotte
7. Repainting of firm name and address on vehicles
8. Non-transferable licenses (unexpired term)
9. Reinstallation of certain fixtures
10. Utility hookups from the meter to the machinery or equipment
11. Storage of personal property for up to twelve (12) months at the City of Charlotte's discretion, if immediate occupancy of the replacement site is not possible through no fault of the displaced business owner or tenant
12. Modifications to personal property necessary to adapt it to the replacement structure
13. Actual direct losses of tangible personal property, if business is discontinued or if an item of personal property will not be used or will be replaced at the new site
14. Purchase of substitute personal property



Reestablishment expenses, not to exceed \$10,000, must be reasonable and necessary as determined by the City. They can include but are not limited to:

1. Repairs or improvements to the replacement real property as required by law, code or ordinance
2. Modifications to the replacement property to accommodate the business or to make structures suitable for conducting business
3. Provisions for exterior signing to advertise the business
4. Redecoration or replacement of worn surfaces at the replacement site
5. Advertisement of replacement location
6. Increased costs of operation at the new site for a 2-year period

Searching for a replacement site. A business or farm is entitled to reimbursement for actual reasonable expenses, not to exceed \$2,500, which are incurred in searching for a replacement location. They can include but are not limited to:

1. Transportation
2. Meals and lodging away from home
3. Time spent searching based on reasonable salary or earnings
4. Fees paid to a licensed real estate agent to locate a replacement site, exclusive of any fees related to the purchase of the site
5. Time spent negotiating the purchase of the replacement location
6. Time spent in obtaining permits and attending zoning hearings in relation to the replacement site



SIGN MOVES

There are different sign types, such as outdoor advertising signs, monument signs, and on-premise trade signs. Sometimes a sign can be physically moved and other times it cannot. Sometimes a sign face can be moved but the base cannot. Typically, when a sign base cannot be moved it will be purchased at the depreciated value but the face will be moved.

Should the City need to relocate your sign, the City will typically assume all responsibilities and costs to move your sign to a new location. Access to the property must be provided. The City contracts with licensed commercial sign movers to complete this task. A sign mover will afford you the expertise of sign placement, permitting and zoning code knowledge. The City can then assure adherence to the project's schedule and physical constraints.

Should the City allow you to move your sign yourself, much like a business move, you will be reimbursed for the actual, reasonable costs to move your sign to a new location. You may also be eligible for an actual direct loss payment or the purchase of substitute property payment. Upgrade costs must be paid for by the sign owner. If your business is also

being relocated you might be eligible for reestablishment expenses concerning your sign/advertising.

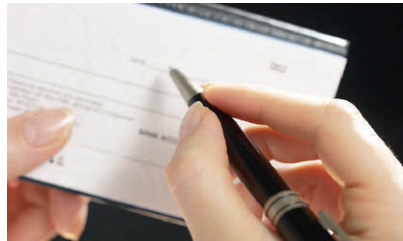
At least two move cost estimates from qualified sign movers must be obtained to substantiate actual reasonable costs of the move. The City will reimburse the actual cost of the sign move but it cannot exceed the low estimate whether it is done by a sign mover or yourself.

PERSONAL PROPERTY ONLY MOVES

In some cases, the entire acquisition of a property is not required. Many times personal property is located in this partial acquisition area. If this is the case the owner/tenant may be eligible for certain personal property relocation move expenses. If this is the case your Relocation Agent will speak more to you about this potential eligibility.

RELOCATION PAYMENTS NOT CONSIDERED INCOME

Payments received under the relocation assistance program are not considered income for the purposes of Internal Revenue Service tax filing, Social Security, welfare eligibility or any other Federal law, with the exception of low-income housing assistance.



PAYMENT ELIGIBILITY AND CLAIM DATES

All claims for relocation payments must be supported by documentation of expenses actually incurred. An owner-occupant or tenant who qualifies as a displaced person and moves from the property being purchased is eligible for relocation payments.

You must file a written moving expense claim to the City on a form provided by your Relocation Agent within eighteen months after the following dates:

- Tenants – the date you move from the property
- Owners – the date you move from the property; or the date you are paid for the property

ILLEGAL ALIENS NOT ELIGIBLE

Aliens not lawfully present in the United States are ineligible for relocation advisory assistance and relocation payments, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent or child as defined in the Uniform Act.

YOUR RIGHT TO APPEAL

If any person feels the City has failed to properly determine their eligibility for relocation assistance the aggrieved person may file a written appeal. You will be given a prompt and full opportunity to be heard. You have the right to be represented by legal counsel or other representative at your expense. The City will promptly review your appeal and consider all pertinent information and then provide you with a written determination explaining its decision. If you are still dissatisfied you have the right to seek a judicial review.

Your right to appeal is terminated when a displacee files a written claim for payment. Should no written claims be submitted to the City, your right to appeal is limited to no later than 60 days after you have been advised of your relocation eligibility.

DEFINITIONS

Acquisition: The process of acquiring property (real estate) or some interest therein. See the definition of real property.

Appraisal: An independent and impartial estimate of the monetary value of a property interest. The appraisal is supported by an analysis of relevant market data.

Business: Any lawful activity conducted primarily for sale of services or products to the public for a profit.

Displaced person or displacee or relocatee: Any person or business who moves from the real property or moves personal property from the real property as a result of an acquisition of the real property.

Fair Market Value: The sale price that a willing and informed seller and a willing and informed buyer agree upon for a particular property.

Farm: Any lawful activity conducted primarily for the production and sale of agricultural products in sufficient quantity to be contributing material support for the operator.

Illegal Alien: Person not lawfully present in the United States.

Personal Property: In general, property that can be moved (such as furniture, lawn mower, etc.). It is not permanently attached to, or a part of, the real property. Personal property is not usually purchased but instead it is moved if it is in the area of the acquisition of real property.

Relocatee (displacee): See definition of displaced person.

Real Property: The land and everything growing on it, attached to it or erected on it but not including anything that may be severed from the land without injuring it.

Relocation Assistance: If improvements are considered personal property under state and federal law, the tenant-owner may be reimbursed for moving them under the relocation assistance provisions.

Tenant: An individual or family having temporary possession and lawful occupancy of the real property belonging to another with consent.

Uneconomic Remnant: The portion of property that remains after the City acquires the property needed for a program. That remainder has been determined by appraisal to have little or no value or utility to the owner. The City may offer to purchase a remnant, but the owner may refuse the offer and keep it.

If You Have Questions

This brochure briefly explains your rights and entitlements as an owner of real property, and the City of Charlotte's rights, entitlements and policies as a governmental agency. Should you have additional questions about acquisition or relocation assistance or the progress of the project, your inquiry should be directed to the Real Estate Agent who delivered this brochure.

City of Charlotte Engineering and Property Management
Real Estate Services Division
600 East Fourth Street, CMGC - 14th FL
Charlotte, NC 28202

For more information, questions or comments contact:

_____ Real Estate Agent

_____ Phone

_____ Email